

Patent
Attorney's Docket No. 033172-001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of
Elisabeth Wolpert et al.
Application No.: 09/319,736
Filed: August 2, 1999

For: THERAPEUTIC APPLICATIONS OF
ANTIGENS OR EPITOPES
ASSOCIATED WITH IMPAIRED
CELLULAR PEPTIDE
PROCESSING, E.G. EXPRESSED
ON RMA-S CELLS TRANSFECTED
WITH A B7-1 GENE

)
) Group Art Unit: 1635
)
) Examiner: KAREN A
) LACOURCIERE
)
) Confirmation No.: 3510

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RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated June 2, 2004, requiring restriction under 35 USC 121, Applicants hereby elect, albeit with traverse, the claims of Group X, claims 157, 160, and 161.

According to MPEP 803, "[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." Applicants respectfully submit that examination of all of the claims of record on the merits in this application can be made without serious burden; accordingly, withdrawal of the restriction requirement, and examination of all of the claims of record in this application is respectfully requested.

At a minimum, Applicants respectfully request reconsideration of the Restriction Requirement as it applies to the claims of Groups V-X. As noted above,

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the Examiner has divided the pending claims in the present application into eleven groups. The claims of elected Group X, claims 157, 160, and 161, are directed to cells identified by the process of claims 148 or 155. A complete search for the claims of Group X will thus, of necessity, overlap with the search required for claims 148 and 155. Claim 148 is the base claim in Groups V, VI, VII, and VIII, while claim 155 is part of Group IX. Accordingly, a complete search for the claims of Group X will necessarily overlap with that required for Groups V-IX. As a result, it would not pose an undue burden on the Examiner to examine the claims of Groups V-X on the merits in this application. Accordingly, withdrawal of the restriction requirement at least as it relates to Groups V-X is respectfully requested.

In the event that there are any questions concerning this Response, or the application in general, the Examiner is respectfully urged to telephone Applicants' undersigned representative so that prosecution of the application may be expedited.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: November 30, 2004

By: Malcolm K. McGowan
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Date: February 9, 2005

TO: Exr. Amy Bauman

Fax Number: 703 872 9306

Company: USPTO

Telephone: 571 272 0755

Your Reference: 09/319,736

FROM: Malcolm K. McGowan, Ph.D.

Telephone: 703.838.6630

Our Reference: 033172-001

Sent By: Sally Dankers

Number of Pages
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Message

Copy of Response to Restriction Requirement and 5 month EOT filed Nov. 30, 2004 and date stamped postcard copy

Patent Response Postcard

27

Inventor: Elisabeth Wolpert et al.Appln. No.: 09/319,736

Filing

Date:

August 2, 1999Docket No.: 033172-001Working Atty.: MKM/spd

Date:

Nov. 30, 2004

Dkt. Clerk Initials

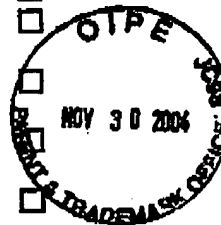
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The following was/were received in the U.S. Patent and Trademark Office on the date stamped hereon:

- ☐ Amendment or Response
- ☐ Preliminary Amendment
- ☒ Amendment/Reply Transmittal Letter
- ☒ Petition for 5 Month Extension of Time
- ☐ Submission of Formal Drawings w/ sheet(s) of drawings (Fig(s). 1-)
- ☐ Request for Approval of Drawing Changes w/ sheet(s) of red ink drawings
- ☐ Notice of Appeal
- ☐ Appeal Brief
- ☐ Request for Oral Hearing
- ☐ Reply Brief
- ☒ Response to Restriction Requirement or Election of Species
- ☐ Terminal Disclaimer
- ☐ Certificate Under 37 C.F.R. 3.73(b)
- ☐ Transmittal Letter for Missing Parts of Application

- ☐ Executed Declaration/Power of Attorney
- ☐ Assignment/Assignment Recordation Form Cover Sheet (PTO-1595)
- ☐ Submission of Certified Copy of Priority Document w/ certified copy(ies)
- ☐ Information Disclosure Statement Transmittal
- ☐ Information Disclosure Citation (PTO-1449)
- ☐ Information Disclosure Statement w/ document(s)
- ☐ Request for Corrected Notice of Recordation of Assignment w/Copy of Notice
- ☐ Request for Continued Examination
- ☐ Issue Fee Transmittal
- ☐ Status Inquiry
- ☐ Submission of Corrected Drawings
- ☐ Payment of Issue Fee and Authorization to charge Deposit Account
- ☐ Request for Refund

- ☐ Request for Corrected Filing Receipt w/copy of Official Filing Receipt
- ☐ Supplemental Application Data Sheet
- ☐ Substitute Specification (clean/marked copies)
- ☒ Check for \$ 1,040.00 is enclosed
- ☐ Check for \$ is enclosed
- ☐ Charge \$ to Deposit Account
- ☐ Charge \$ to credit card. Form PTO-2038 is attached.
- ☐ Filed by Certificate of Mail



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